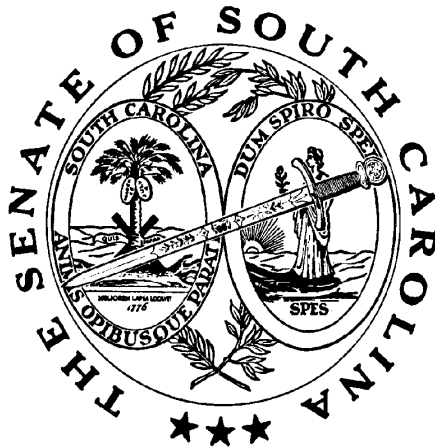


NO. 18

**JOURNAL**  
**OF THE**  
**SENATE**  
**OF THE**  
**STATE OF SOUTH CAROLINA**



**REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2009**

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**WEDNESDAY, FEBRUARY 18, 2009**

**Wednesday, February 18, 2009**  
**(Statewide Session)**

~~Indicates Matter Stricken~~  
Indicates New Matter

The Senate assembled at 2:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Paul, addressing the Colossians, reminded them that:

“As God’s chosen ones, holy and beloved, clothe yourselves with compassion, kindness, humility, meekness, and patience.”

(Colossians 3:12)

Please join me as we bow in prayer:

Gracious Lord, we give You praise this day as we seek to honor You through service here in the South Carolina Senate. Give each of these Senators the confidence to lead this State with boldness and assurance, knowing that together they can do so much good for the people of this State. Grant to each of them those characteristics which Paul highlighted centuries ago. Moreover, fill each of these Senators with a passion for caring and for thoughtful leadership. And equally bless all others in our State who serve in positions of high responsibility. May South Carolina continue to thrive, thanks to the efforts of these women and men. In Your name we pray, dear Lord.

Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

**REGULATIONS RECEIVED**

The following were received and referred to the appropriate committees for consideration:

Document No. 4043

Agency: Workers' Compensation Commission

SUBJECT: Amend and Add Regulations to Chapter 67 to Reflect Changes in Title 42 Necessitated by the Approval of Act 111 on June 25, 2007

Received by Lieutenant Governor February 18, 2009

Referred to Judiciary Committee

Legislative Review Expiration January 25, 2010

**WEDNESDAY, FEBRUARY 18, 2009**

Document No. 4049

Agency: State Board of Education

SUBJECT: Use and Dissemination of Test Results

Received by Lieutenant Governor February 18, 2009

Referred to Education Committee

Legislative Review Expiration January 25, 2010

**REGULATION WITHDRAWN AND RESUBMITTED**

The following was received:

Document No. 3196

Agency: Commission on Higher Education

SUBJECT: South Carolina National Guard College Assistance Program

Received by Lieutenant Governor April 16, 2008

Referred to Education Committee

Legislative Review Expiration March 23, 2009

Withdrawn and Resubmitted February 17, 2009

**Doctor of the Day**

Senator LOURIE introduced Dr. Leo Walker of Columbia, S.C., Doctor of the Day.

**Leave of Absence**

On motion of Senator CAMPBELL, at 2:05 P.M., Senator CAMPSER was granted a leave of absence for today.

**CO-SPONSORS ADDED**

The following co-sponsors were added to the respective Bills:

S. 336    Sen. S. Martin

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 433 -- Senator Pinckney: A SENATE RESOLUTION TO CONGRATULATE CHRISTINA WALKER, TEACHER AT RIDGELAND MIDDLE SCHOOL IN JASPER COUNTY, FOR BEING NAMED JASPER COUNTY TEACHER OF THE YEAR FOR 2007-2008, AND TO EXTEND SINCERE APPRECIATION

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FOR HER MANY CONTRIBUTIONS TO MUSIC EDUCATION IN SOUTH CAROLINA.

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The Senate Resolution was adopted.

S. 434 -- Senators Fair and L. Martin: A BILL TO AMEND SECTION 63-11-530, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE POWERS AND DUTIES OF GUARDIANS AD LITEM IN CHILD ABUSE AND NEGLECT CASES, SO AS TO PROVIDE THAT THE SOUTH CAROLINA GUARDIAN AD LITEM PROGRAM HAS THE RIGHT TO INTERVENE IN A PROCEEDING TO PETITION TO HAVE THE GUARDIAN AD LITEM REMOVED IF THE GUARDIAN AD LITEM IS NOT IN COMPLIANCE WITH STATE LAW OR IS NOT ACTING IN THE BEST INTEREST OF THE CHILD; AND TO AMEND SECTION 63-11-550, RELATING TO CONFIDENTIALITY OF REPORTS AND INFORMATION MAINTAINED BY THE GUARDIAN AD LITEM PROGRAM, SO AS TO ALSO PROVIDE THAT REPORTS AND INFORMATION MAINTAINED BY A GUARDIAN AD LITEM IS CONFIDENTIAL.

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Read the first time and referred to the Committee on Judiciary.

S. 435 -- Senators L. Martin, Grooms and S. Martin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-37-3135 SO AS TO EXEMPT AN AMOUNT OF FAIR MARKET OF A PARCEL OF REAL PROPERTY AND IMPROVEMENTS THEREON AS DETERMINED BY THE APPRAISAL RESULTING FROM AN ASSESSABLE TRANSFER OF INTEREST SUFFICIENT TO LIMIT THE INCREASE IN THE FAIR MARKET VALUE OF THE PARCEL TO FIFTEEN PERCENT OF ITS VALUE ON THE ASSESSOR'S BOOKS, TO PROVIDE THAT FAIR MARKET VALUE AS REDUCED BY THIS EXEMPTION IS THE VALUE TO WHICH THE CONSTITUTIONAL CAP ON INCREASES TO FIFTEEN PERCENT OVER FIVE YEARS APPLIES, TO PROVIDE THAT THIS EXEMPTION CONTINUES UNTIL THE PROPERTY UNDERGOES A SUBSEQUENT ASSESSABLE TRANSFER OF INTEREST AND PROVIDE THAT THIS EXEMPTION DOES NOT APPLY TO PREVIOUSLY UNTAXED ADDITIONS OR

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IMPROVEMENTS; TO AMEND SECTION 12-37-3140, AS AMENDED, RELATING TO VALUATION OF REAL PROPERTY FOR PURPOSES OF THE SOUTH CAROLINA REAL PROPERTY VALUATION REFORM ACT, SO AS TO MAKE A CONFORMING AMENDMENT, TO REQUIRE THE PROPERTY TAX ASSESSOR TO APPLY THE EXEMPTION ALLOWED BY THIS EXEMPTION TO FAIR MARKET VALUE DETERMINED AT THE TIME OF ASSESSABLE TRANSFERS OF INTEREST OCCURRING IN 2007, 2008, AND IN 2009 BEFORE THE EFFECTIVE DATE OF THIS ACT, AND TO PROVIDE THAT NO REFUND IS ALLOWED BASED ON THOSE ADJUSTED VALUES.

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Senator L.MARTIN spoke on the Bill.

Read the first time and referred to the Committee on Finance.

S. 436 -- Senators Bright, Leatherman, Campbell, Ryberg, Bryant, Cromer, Pinckney, Verdin, Fair, Davis, Shoopman and L. Martin: A BILL TO AMEND SECTION 16-15-110 OF THE 1976 CODE, RELATING TO PENALTIES FOR A VIOLATION OF SECTION 16-15-90 OR SECTION 16-15-100, BOTH RELATING TO PROSTITUTION, TO PROVIDE THAT CERTAIN REAL AND PERSONAL PROPERTY MAY BE FORFEITED FOR VIOLATIONS OF SECTION 16-15-90 AND SECTION 16-15-100, AND TO PROVIDE FOR FORFEITURE PROCEDURES, DISPOSITION OF FORFEITED ITEMS, AND THE DISPOSITION OF PROCEEDS OF SALES.

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Read the first time and referred to the Committee on Judiciary.

S. 437 -- Senators Massey, Bright, Bryant, Verdin, Fair, S. Martin and Shoopman: A BILL TO AMEND SECTION 44-41-330 OF THE 1976 CODE, RELATING TO THE CONDITIONS FOR PERFORMANCE OF AN ABORTION, INFORMATION REQUIREMENTS, WAITING PERIOD, MINORS OR MENTALLY INCOMPETENT PERSONS, AND RETENTION OF RECORDS, TO PROVIDE THAT A WOMAN MUST BE PROVIDED WITH A TWENTY-FOUR HOUR REFLECTION PERIOD BEFORE AN ABORTION PROCEDURE, TO PROVIDE THE NATURE AND SOURCE OF THE INFORMATION PROVIDED TO AND MADE

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AVAILABLE TO A WOMAN SEEKING AN ABORTION, AND TO PROVIDE THE LANGUAGE OF THE CERTIFICATION THAT A WOMAN MUST SIGN PRIOR TO AN ABORTION PROCEDURE.

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Read the first time and referred to the Committee on Medical Affairs.

S. 438 -- Senator Pinckney: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 16 TO TITLE 8 SO AS TO ENACT THE "SOUTH CAROLINA CLEAN ELECTIONS ACT", TO PROVIDE A PROCEDURE BY WHICH CERTAIN CANDIDATES FOR OFFICE WHO AGREE TO LIMITATIONS ON CONTRIBUTIONS TO RECEIVE A PREDETERMINED AMOUNT OF PUBLIC FUNDS FOR CAMPAIGNS AND TO REQUIRE ELECTRONIC DISCLOSURES FOR ALL CAMPAIGN CONTRIBUTIONS TO CANDIDATES AND POLITICAL COMMITTEES.

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Read the first time and referred to the Committee on Judiciary.

S. 439 -- Senator Pinckney: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE II OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE RIGHT OF SUFFRAGE, BY ADDING SECTION 12 SO AS TO AUTHORIZE A PROCEDURE BY WHICH A CANDIDATE FOR ELECTIVE OFFICE MAY FINANCE HIS CAMPAIGN WITH PUBLIC FUNDS AS THE GENERAL ASSEMBLY MAY DETERMINE.

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Read the first time and referred to the Committee on Judiciary.

S. 440 -- Senator Pinckney: A JOINT RESOLUTION TO CREATE THE SOUTH CAROLINA CLEAN ELECTIONS STUDY COMMITTEE, TO REQUIRE THE COMMITTEE TO MAKE A REPORT OF ITS FINDINGS NO LATER THAN JANUARY 15, 2010, TO PROVIDE FOR THE MATTERS THE COMMITTEE SHALL CONSIDER, TO PROVIDE FOR THE COMPOSITION OF THE COMMITTEE, AND TO PROVIDE WHEN THE COMMITTEE SHALL DISSOLVE.

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Read the first time and referred to the Committee on Judiciary.

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S. 441 -- Senator Pinckney: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE II OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE RIGHT OF SUFFRAGE, BY ADDING SECTION 12 SO AS TO AUTHORIZE A PROCEDURE BY WHICH A CANDIDATE FOR ELECTIVE OFFICE MAY FINANCE HIS CAMPAIGN WITH PUBLIC FUNDS AS THE GENERAL ASSEMBLY MAY DETERMINE.

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Read the first time and referred to the Committee on Judiciary.

S. 442 -- Senators Ryberg and Massey: A BILL TO AMEND ACT 503 OF 1982, AS AMENDED, RELATING TO THE AIKEN COUNTY SCHOOL DISTRICT AND THE AIKEN COUNTY BOARD OF EDUCATION, SO AS TO REVISE THE BOARD'S AUTHORITY WITH REGARD TO ADMINISTRATIVE AREA OFFICES AND AREA ADVISORY COUNCILS.

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Read the first time and ordered placed on the Local and Uncontested Calendar.

S. 443 -- Senators O'Dell and Nicholson: A SENATE RESOLUTION TO EXTEND THE SINCERE CONGRATULATIONS OF THE MEMBERS OF THE SOUTH CAROLINA SENATE TO THE CHIEF OF THE GREENWOOD FIRE DEPARTMENT, TERRY STRANGE, UPON HIS RECEIVING THE FRITZ TURNER AWARD, AN HONOR PRESENTED ANNUALLY BY THE SOUTH CAROLINA STATE FIRE CHIEFS ASSOCIATION.

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The Senate Resolution was adopted.

S. 444 -- Senator Shoopman: A CONCURRENT RESOLUTION TO HONOR MRS. CONNIE LYNN BOMAR OF GREER ON THE OCCASION OF HER NINETY-FIFTH BIRTHDAY, TO CELEBRATE HER RICH AND FULL LIFE, AND TO WISH HER A FUTURE OF GOOD HEALTH AND CONTINUED ENJOYMENT OF HER MANY FRIENDS AND LOVING FAMILY.

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The Concurrent Resolution was adopted, ordered sent to the House.

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S. 445 -- Senators Cleary and McGill: A BILL TO AMEND CHAPTER 13, TITLE 50 OF THE 1976 CODE, RELATING TO THE PROTECTION OF FISH, BY ADDING SECTION 50-13-2017 TO ESTABLISH THE FLOUNDER POPULATION STUDY PROGRAM IN GEORGETOWN COUNTY, IN THE WATERS OF MURRELLS INLET ESTUARY, PAWLEYS ISLAND ESTUARY, AND THE CREEKS OF LITCHFIELD FLOWING INTO PAWLEYS ISLAND ESTUARY, TO SET FLOUNDER CATCH LIMITS AND PROHIBIT THE USE OF ARTIFICIAL ILLUMINATION POWERED BY GENERATORS, TO SET PENALTIES FOR VIOLATIONS OF THIS RESOLUTION, AND TO ESTABLISH THE DURATION OF THE PROGRAM.

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Read the first time and referred to the Committee on Fish, Game and Forestry.

S. 446 -- Senator Land: A BILL TO PROVIDE THAT FROM JUNE 1, 2009, TO SEPTEMBER 30, 2009, A NONRESIDENT MAY OBTAIN A LIFETIME COMBINATION LICENSE FROM THE DEPARTMENT OF NATURAL RESOURCES UNDER CERTAIN CIRCUMSTANCES.

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Read the first time and referred to the Committee on Fish, Game and Forestry.

S. 447 -- Senator Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-5-100 SO AS TO CREATE THE COMMISSION ON JUDICIAL OVERSIGHT; TO PROVIDE FOR THE PURPOSE, COMPOSITION, AND TERMS OF THE COMMISSION; TO PROVIDE FOR THE FILLING OF A VACANCY; AND TO PROVIDE A PROCEDURE FOR THE COMMISSION TO ADOPT RULES AND REGULATIONS IN ORDER TO ACCOMPLISH ITS MISSION.

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### **Objection**

Senator FORD asked unanimous consent to make a motion that the Bill be placed on the Calendar without reference.

Senator McCONNELL objected.



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Read the first time and referred to the Committee on Judiciary.

S. 448 -- Senator Ford: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 4, ARTICLE V OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE POWERS OF THE SUPREME COURT, SO AS TO PROVIDE THAT THE JURISDICTION OVER THE ADMISSION TO THE PRACTICE OF LAW AND THE DISCIPLINE OF PERSONS ADMITTED MUST NOT BE UNDER THE SUPREME COURT BUT RATHER MUST BE AS PROVIDED BY THE GENERAL ASSEMBLY BY LAW.

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Read the first time and referred to the Committee on Judiciary.

S. 449 -- Senator Fair: A BILL TO CHANGE THE NAME OF THE WESTERN CAROLINA REGIONAL SEWER AUTHORITY TO RENEWABLE WATER RESOURCES.

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Read the first time and ordered placed on the Local and Uncontested Calendar.

S. 450 -- Senators Bright, Bryant, Grooms, Verdin, Fair, Shoopman, S. Martin, Davis, Mulvaney and Reese: A BILL TO AMEND CHAPTER 1, TITLE 1 OF THE 1976 CODE, BY ADDING ARTICLE 5 TO ENACT THE "LIFE BEGINNING AT CONCEPTION ACT" WHICH ESTABLISHES THAT THE RIGHT TO LIFE FOR EACH BORN AND PREBORN HUMAN BEING VESTS AT FERTILIZATION, AND THAT THE RIGHTS OF DUE PROCESS AND EQUAL PROTECTION, GUARANTEED BY ARTICLE I, SECTION 3 OF THE CONSTITUTION OF THIS STATE, VEST AT FERTILIZATION FOR EACH BORN AND PREBORN HUMAN PERSON.

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Read the first time and referred to the Committee on Judiciary.

S. 451 -- Senator Pinckney: A BILL TO AMEND ACT 784 OF 1954, AS AMENDED, RELATING TO THE BEAUFORT-JASPER COUNTY WATER AUTHORITY, TO PROVIDE THAT ALL FOUR JASPER COUNTY APPOINTEES ARE TO BE RECOMMENDED

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TO THE GOVERNOR BY THE LEGISLATIVE DELEGATION OF JASPER COUNTY FROM THE COUNTY AT LARGE.

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Read the first time and, on motion of Senator PINCKNEY, with unanimous consent, S. 451 was ordered placed on the Calendar without reference.

H. 3475 -- Rep. Hayes: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME BLACK BRANCH ROAD IN DILLON COUNTY "HOYT JACKSON MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS ROAD THAT CONTAIN THE WORDS "HOYT JACKSON MEMORIAL HIGHWAY".

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 3476 -- Reps. Brantley and Bedingfield: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 601 IN JASPER COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 321 TO ITS INTERSECTION WITH THE JASPER/HAMPTON COUNTY LINE THE "EUNICE HOLMAN DOE HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "EUNICE HOLMAN DOE HIGHWAY".

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 3557 -- Rep. Huggins: A CONCURRENT RESOLUTION TO DECLARE TUESDAY, FEBRUARY 24, 2009, SOUTH CAROLINA REALTOR DAY IN ORDER TO RECOGNIZE AND HONOR THE MANY OUTSTANDING REALTORS AND REAL ESTATE PROFESSIONALS IN OUR STATE.

The Concurrent Resolution was introduced and referred to the Committee on Invitations.

#### **REPORTS OF STANDING COMMITTEES**

Senator CROMER from the Committee on Fish, Game and Forestry submitted a favorable with amendment report on:

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S. 98 -- Senator Land: A BILL TO AMEND SECTION 50-21-120 OF THE 1976 CODE, RELATING TO THE DUTY OF THE OWNER OF A BOAT LIVERY, TO REMOVE THE PROVISIONS MANDATING THE OWNER'S LIABILITY FOR NEGLIGENT OPERATION OF A VESSEL.

Ordered for consideration tomorrow.

Senator CROMER from the Committee on Fish, Game and Forestry submitted a favorable with amendment report on:

S. 195 -- Senator McConnell: A BILL TO AMEND SECTION 50-21-870 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE WEARING OF PERSONAL FLOTATION DEVICES ON PERSONAL WATERCRAFTS, SO AS TO PROVIDE THAT A PERSON IS NOT REQUIRED TO WEAR A PERSONAL FLOTATION DEVICE IF THE PERSON IS IN POSSESSION OF A PERSONAL WATERCRAFT THAT IS LOCATED IN THREE FEET OF WATER OR LESS, AND IS ANCHORED, AND THE ENGINE IS NOT OPERATING.

Ordered for consideration tomorrow.

**HOUSE CONCURRENCES**

S. 429 -- Senators Reese, S. Martin and Bright: A CONCURRENT RESOLUTION TO SALUTE THE NATIONAL BETA CLUB, FOUNDED AT LANDRUM HIGH SCHOOL IN SPARTANBURG COUNTY, ON THE OCCASION OF ITS SEVENTY-FIFTH ANNIVERSARY, AND TO WISH THE CLUB MANY MORE YEARS OF SUCCESS.

Returned with concurrence.

Received as information.

S. 430 -- Senator Lourie: A CONCURRENT RESOLUTION TO CONGRATULATE C. DAVID WARREN, EXECUTIVE DIRECTOR OF THE RICHLAND COUNTY PUBLIC LIBRARY, UPON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR HIS THIRTY YEARS OF DEDICATED SERVICE, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

Returned with concurrence.

Received as information.

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**THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.**

**THIRD READING BILL**

The following Bill was read the third time and ordered sent to the House of Representatives:

S. 268 -- Senator McConnell: A BILL TO AMEND CHAPTER 8, TITLE 6, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO BUILDING CODES ENFORCEMENT OFFICERS, SO AS TO ESTABLISH A "SPECIAL INSPECTOR" OR "SPECIAL INSPECTION AGENCY" TO PERFORM BUILDING INSPECTIONS IN ONE OR MORE CONSTRUCTION TRADE DISCIPLINES, AND TO PROVIDE THE LICENSING PROCEDURE TO REQUIRE AUTHORIZATION FOR PERFORMING THESE INSPECTIONS FROM THE SOUTH CAROLINA BUILDING CODES COUNCIL AND THE DEPARTMENT OF LABOR, LICENSING AND REGULATION.

**Recorded Vote**

Senators RYBERG and BRYANT desired to be recorded as voting in favor of the third reading of S. 268.

**SECOND READING BILLS**

The following Joint Resolutions, having been read the second time, were ordered placed on the Third Reading Calendar:

S. 432 -- Senators Malloy, Knotts and Campsen: A JOINT RESOLUTION TO EXTEND THE TIME IN WHICH THE SENTENCING REFORM COMMISSION, AS ESTABLISHED BY ACT 407 OF 2008, SHALL SUBMIT ITS REPORT TO THE CHAIRMAN OF THE SENATE JUDICIARY COMMITTEE AND THE CHAIRMAN OF THE HOUSE JUDICIARY COMMITTEE FROM JUNE 1, 2009, TO FEBRUARY 1, 2010, AT WHICH TIME THE COMMISSION SHALL BE DISSOLVED.

**Recorded Vote**

Senators RYBERG and BRYANT desired to be recorded as voting in favor of the second reading of S. 432.

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H. 3295 -- Reps. Hamilton, Allen, Bedingfield, Cato, Dillard, Nanney, Stringer and Wylie: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED ON JANUARY 8, 2009, BY THE STUDENTS OF PARIS ELEMENTARY SCHOOL, TAYLORS ELEMENTARY SCHOOL, AND SEVIER MIDDLE SCHOOL WHEN THE SCHOOLS WERE CLOSED DUE TO A POWER OUTAGE IS EXEMPT FROM THE MAKE-UP REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

**Statement by Senator BRYANT**

I would like the Journal to reflect that I abstained from voting on or participating in consideration of the Resolution.

**Statement by Senator RYBERG**

I abstained from voting on H. 3295 because it is a Greenville County issue, and I oppose these waivers.

**AMENDED, READ THE SECOND TIME**

S. 184 -- Senators McConnell and Ford: A BILL TO AMEND SECTION 40-27-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A PERSON WHO BUYS JUNK, SO AS TO REQUIRE A PERSON WHO BUYS JUNK THAT CONSISTS OF TWENTY-FIVE POUNDS OF SCRAP METAL OR VEHICLE PARTS TO KEEP WITH THE RECORD OF PURCHASE A PHOTOCOPY OF THE SELLER'S DRIVER'S LICENSE OR OTHER GOVERNMENT ISSUED PICTURE IDENTIFICATION CARD THAT SHOWS THE SELLER'S NAME AND ADDRESS; TO AMEND SECTION 40-27-40, RELATING TO PENALTIES FOR VIOLATING PROVISIONS OF THE JUNK DEALER ARTICLE, SO AS TO INCREASE THE FINE FROM A MAXIMUM OF ONE HUNDRED DOLLARS TO FIVE HUNDRED DOLLARS AND TO ESTABLISH THAT EACH VIOLATION CONSTITUTES A SEPARATE OFFENSE; TO AMEND SECTION 56-5-5670, RELATING TO A DEMOLISHER PURCHASING OR ACQUIRING A VEHICLE TO DEMOLISH, SO AS TO REQUIRE A DEMOLISHER THAT ACQUIRES A VEHICLE OR VEHICLE PARTS WITH A TOTAL WEIGHT OF TWENTY-FIVE POUNDS OR MORE TO KEEP A PHOTOCOPY OF THE SELLER'S DRIVER'S LICENSE OR OTHER GOVERNMENT ISSUED

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PICTURE IDENTIFICATION CARD THAT SHOWS THE SELLER'S NAME AND ADDRESS AND TO ESTABLISH THAT A VIOLATION OF THOSE PROVISIONS IS A MISDEMEANOR WITH A FINE NO MORE THAN FIVE HUNDRED DOLLARS FOR EACH OFFENSE OR NOT EXCEEDING FIVE THOUSAND DOLLARS FOR THE SAME SET OF TRANSACTIONS OR IMPRISONED FOR NO MORE THAN SIXTY DAYS, WITH EACH VIOLATION CONSTITUTING A SEPARATE OFFENSE; AND TO AMEND SECTION 56-5-5945, RELATING TO A DEMOLISHER OBTAINING A VEHICLE TITLE, SO AS TO REQUIRE A DEMOLISHER WHO PURCHASES OR ACQUIRES A VEHICLE OR VEHICLE PART WITH A TOTAL WEIGHT OF TWENTY-FIVE OR MORE POUNDS TO KEEP A PHOTOCOPY OF THE SELLER'S DRIVER'S LICENSE OR OTHER GOVERNMENT PICTURE IDENTIFICATION CARD THAT SHOWS THE PERSON'S NAME AND ADDRESS AND THE YEAR, MAKE, MODEL, AND IDENTIFICATION NUMBER OF THE VEHICLE, IF AVAILABLE, ALONG WITH ANY OTHER IDENTIFYING FEATURES, AND TO PROVIDE A VIOLATION CONSTITUTES A MISDEMEANOR WITH A FINE NO MORE THAN FIVE HUNDRED DOLLARS FOR EACH OFFENSE OR NO MORE THAN FIVE THOUSAND DOLLARS FOR THE SAME SET OF TRANSACTIONS OR IMPRISONED FOR NO MORE THAN SIXTY DAYS, OR BOTH, AND TO ESTABLISH THAT EACH VIOLATION CONSTITUTES A SEPARATE OFFENSE.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the previously proposed amendment by Senator MATTHEWS.

Senator MATTHEWS proposed the following amendment (JUD0184.008), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 26-38, and inserting:

/ "Section 40-27-10. Any person buying junk shall keep a book ~~which~~ that he shall keep open to the inspection of all persons, wherein he shall set down the name and address, city and street, of every person selling junk and an itemized statement of all junk bought from such person and the date of purchase. Any person buying junk that consists of a catalytic converter or twenty-five pounds or more of scrap metal or vehicle parts, other than nonferrous metals, as defined by Section

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16-17-680, shall keep with the record of purchase a photocopy of the seller's driver's license or other government issued picture identification card that shows the seller's name and address, and the person must make payment to the seller by means of a check mailed to the seller's address as shown on the seller's driver's license or other government issued picture identification card or to the seller's physical business address. Any person buying junk that consists of nonferrous metals is subject to the provisions of Section 16-17-680." /

Amend the bill further, as and if amended, page 3, by striking lines 36-41, and inserting:

/ (C) A demolisher who purchases a vehicle, catalytic converter, or parts of a vehicle with a total weight of twenty-five pounds or more must make payment to the seller by means of a check mailed to the seller's address as shown on the seller's driver's license or other government issued picture identification card or to the seller's physical business address.

(D) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined no more than five hundred dollars for each offense not to exceed five thousand dollars for the same set of transactions or occurrences, or imprisoned for no more than sixty days, or both. Each violation constitutes a separate offense."/

Amend the bill further, as and if amended, page 4, by striking lines 28-33, and inserting:

/ (c) A demolisher who purchases a vehicle, catalytic converter, or parts of a vehicle with a total weight of twenty-five pounds or more must make payment to the seller by means of a check mailed to the seller's address as shown on the seller's driver's license or other government issued picture identification card or to the seller's physical business address.

(d) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined no more than five hundred dollars for each offense not to exceed five thousand dollars for the same set of transactions or occurrences, or imprisoned for no more than sixty days, or both. Each violation constitutes a separate offense." /

Renumber sections to conform.

Amend title to conform.

Senator L. MARTIN explained the amendment.

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The amendment was adopted.

Senator L. MARTIN explained the Bill.

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

**Recorded Vote**

Senators RYBERG and BRYANT desired to be recorded as voting in favor of the second reading of S. 184.

**THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.**

**MADE SPECIAL ORDER**

S. 12 -- Senators Leatherman, Alexander, O'Dell, Cleary, Leventis, Elliott, Lourie and Malloy: A BILL TO ESTABLISH THE SOUTH CAROLINA TAXATION REALIGNMENT COMMISSION, TO PROVIDE FOR THE COMMISSION'S MEMBERSHIP, POWERS, DUTIES, AND RESPONSIBILITIES, TO PROVIDE THAT THE COMMISSION MUST CONDUCT A COMPREHENSIVE STUDY OF THE STATE'S TAX SYSTEM AND SUBMIT A REPORT OF ITS RECOMMENDED CHANGES TO FURTHER THE GOAL OF MAINTAINING AND ENHANCING THE STATE AS AN OPTIMUM COMPETITOR IN THE EFFORT TO ATTRACT BUSINESSES AND INDIVIDUALS TO LOCATE, LIVE, WORK, AND INVEST IN THE STATE, AND TO PROVIDE FOR PROCEDURES GOVERNING THE CONSIDERATION OF LEGISLATION RESULTING FROM THE COMMISSION'S RECOMMENDATIONS.

Senator L. MARTIN moved that the Bill be made a Special Order.

The Bill was made a Special Order.

**Co-Sponsor Added**

On motion of Senator SETZLER, with unanimous consent, the name of Senator SETZLER was added as a co-sponsor of S. 12.



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**MOTION ADOPTED**

S. 305 -- Senators Cromer, Campsen, Bryant, Bright, Campbell, Peeler, Davis, Fair, Ryberg, L. Martin, McGill, Thomas, Grooms, Shoopman, Knotts, Rankin, Alexander and S. Martin: A CONCURRENT RESOLUTION TO REQUEST THAT PRESIDENT BARACK HUSSEIN OBAMA RESCIND HIS EXECUTIVE ORDERS TO CLOSE THE GUANTANAMO BAY DETENTION FACILITIES SO THAT THE TERRORISTS HOUSED IN THE FACILITIES CAN POSE NO THREAT TO THE UNITED STATES OR THE WORLD AT LARGE AND TO REQUEST THAT DETAINEES NOT BE RELOCATED TO THE UNITED STATES NAVAL CONSOLIDATED BRIG IN CHARLESTON.

Senator L. MARTIN, as Chairman of the Committee on Rules, moved under Rule 32B to take up the Resolution immediately after the Bills on Special Order.

The motion was adopted.

**MOTION ADOPTED**

On motion of Senator L. MARTIN, the Senate agreed to dispense with the Motion Period.

**THE SENATE PROCEEDED TO THE SPECIAL ORDERS.**

**READ THE THIRD TIME, SENT TO THE HOUSE**

S. 351 -- Senators Grooms, McConnell and Ford: A BILL TO AMEND ARTICLE 1, CHAPTER 3, TITLE 54 OF THE 1976 CODE, RELATING TO THE CREATION AND ORGANIZATION OF THE SOUTH CAROLINA STATE PORTS AUTHORITY, TO CLARIFY THAT THE POWERS AND DUTIES OF THE AUTHORITY ARE EXERCISED BY A BOARD OF DIRECTORS, TO PROVIDE THAT CANDIDATES FOR APPOINTMENT MUST POSSESS CERTAIN QUALIFICATIONS, TO PROVIDE THAT CANDIDATES MUST BE SCREENED TO DETERMINE WHETHER THEY POSSESS THE REQUIRED QUALIFICATIONS BEFORE THEY MAY SERVE ON THE BOARD, TO PROVIDE THAT MEMBERS OF THE BOARD MAY BE REMOVED FROM OFFICE ONLY FOR CAUSE, TO PROVIDE THAT THE BOARD MUST PERFORM AN ANNUAL PERFORMANCE REVIEW OF THE EXECUTIVE DIRECTOR, TO ESTABLISH THAT DIRECTORS HAVE A DUTY OF GOOD FAITH AND ORDINARY CARE WHEN

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DISCHARGING THEIR DUTIES AS A DIRECTOR, TO PROHIBIT CONFLICT OF INTEREST TRANSACTIONS, TO ESTABLISH A SOUTH CAROLINA STATE PORTS ADVISORY BOARD, AND SET THE MEMBERSHIP, DUTIES, AND RESPONSIBILITIES OF THE ADVISORY BOARD; TO AMEND CHAPTER 3, TITLE 54, BY ADDING ARTICLE 2, RELATING TO PORTS AUTHORITY MANAGEMENT, TO PROVIDE THAT THE BOARD OF DIRECTORS MUST HIRE AN EXECUTIVE DIRECTOR OF PORT OPERATIONS AND TO ESTABLISH THE DIRECTOR'S DUTY TO OPERATE THE PORTS IN A MANNER CONSISTENT WITH THE MISSION, POLICIES, AND DIRECTION OF THE BOARD; TO AMEND SECTION 54-3-140(5), TO PROVIDE THAT THE BOARD OF DIRECTORS MUST ADOPT AN ORGANIZATIONAL STRUCTURE FOR AUTHORITY OPERATIONS; TO AMEND SECTION 54-3-140, RELATING TO THE POWERS OF THE PORTS AUTHORITY, BY ADDING TWO NEW ITEMS THAT REQUIRE A LONG-RANGE PORT DEVELOPMENT AND CAPITAL FINANCING PLAN AND TO PROVIDE THAT THE AUTHORITY MUST CONSIDER PUBLIC-PRIVATE PARTNERSHIPS FOR CURRENT AND FUTURE OPERATIONS; TO AMEND SECTION 54-3-1040, RELATING TO THE ANNUAL FINANCIAL STATEMENT, AND TO PROVIDE THAT COPIES OF THE STATEMENT MUST BE FORWARDED TO THE ADVISORY COMMITTEE AND THE GENERAL ASSEMBLY; TO AMEND ARTICLE 11, CHAPTER 3, TITLE 54, RELATING TO FINANCIAL MATTERS, BY ADDING SECTION 54-3-1060, TO PROVIDE THAT THE AUTHORITY MUST MAINTAIN A TRANSACTION REGISTER OF ALL FUNDS EXPENDED OVER ONE HUNDRED DOLLARS AND MUST MAINTAIN ON ITS INTERNET WEBSITE A COPY OF EACH MONTHLY CREDIT CARD STATEMENT FOR ALL CREDIT CARDS MAINTAINED BY THE AUTHORITY; AND TO AMEND CHAPTER 3, TITLE 54, BY ADDING ARTICLE 13, RELATING TO LEGISLATIVE OVERSIGHT, TO REQUIRE REGULAR OVERSIGHT REVIEW OF THE AUTHORITY AND THE EXECUTIVE DIRECTOR.

The Senate proceeded to a consideration of the Bill, the question being the third reading of the Bill.

Senator ROSE was recognized.

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Senator ROSE moved that a further amendment be taken up for consideration on third reading.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 15; Nays 28**

**AYES**

Bright	Bryant	Courson
Davis	<i>Martin, S.</i>	Massey
Mulvaney	Peeler	Pinckney
Rose	Ryberg	Sheheen
Shoopman	Thomas	Verdin

**Total--15**

**NAYS**

Alexander	Anderson	Campbell
Cleary	Coleman	Cromer
Elliott	Fair	Grooms
Hayes	Hutto	Jackson
Knotts	Land	Leatherman
Leventis	Lourie	Malloy
<i>Martin, L.</i>	Matthews	McConnell
McGill	Nicholson	O'Dell
Rankin	Reese	Scott
Setzler		

**Total--28**

The Senate refused to take up a further amendment for consideration.

There being no further amendments, the question then was the third reading of the Bill.

Senator VERDIN argued contra to the third reading.

Senator McCONNELL argued in favor of the third reading of the Bill.

Senator LEVENTIS argued contra to the third reading.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 31; Nays 14**

**AYES**

Alexander	Anderson	Campbell
Cleary	Coleman	Cromer
Elliott	Fair	Ford
Grooms	Hayes	Hutto
Jackson	Knotts	Land
Leatherman	Lourie	Malloy
<i>Martin, L.</i>	Matthews	McConnell
McGill	Nicholson	O'Dell
Peeler	Pinckney	Rankin
Reese	Scott	Setzler
Williams		

**Total--31**

**NAYS**

Bright	Bryant	Courson
Davis	Leventis	<i>Martin, S.</i>
Massey	Mulvaney	Rose
Ryberg	Sheheen	Shoopman
Thomas	Verdin	

**Total--14**

The Bill was read the third time, passed and ordered sent to the House of Representatives.

By prior motion, the Senate proceeded to a consideration of S. 305.

**RECOMMITTED**

S. 305 -- Senators Cromer, Campsen, Bryant, Bright, Campbell, Peeler, Davis, Fair, Ryberg, L. Martin, McGill, Thomas, Grooms, Shoopman, Knotts, Rankin, Alexander and S. Martin: A CONCURRENT RESOLUTION TO REQUEST THAT PRESIDENT BARACK HUSSEIN OBAMA RESCIND HIS EXECUTIVE ORDERS TO CLOSE THE GUANTANAMO BAY DETENTION

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FACILITIES SO THAT THE TERRORISTS HOUSED IN THE FACILITIES CAN POSE NO THREAT TO THE UNITED STATES OR THE WORLD AT LARGE AND TO REQUEST THAT DETAINEES NOT BE RELOCATED TO THE UNITED STATES NAVAL CONSOLIDATED BRIG IN CHARLESTON.

The Senate proceeded to a consideration of the Concurrent Resolution, the question being the adoption of the Resolution.

Senator CROMER spoke on the Resolution.

**ACTING PRESIDENT PRESIDES**

At 3:38 P.M., Senator L. MARTIN assumed the Chair.

Senator CROMER argued in favor of the adoption of the Resolution.

Senator HUTTO spoke on the Resolution.

**PRESIDENT *PRO TEMPORE* PRESIDES**

At 4:33 P.M., Senator McCONNELL assumed the Chair.

Senator HUTTO spoke on the Resolution.

**Motion Under Rule 15A Failed**

At 4:38 P.M., Senator L. MARTIN moved under the provisions of Rule 15A to vote on the entire matter of S. 305.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 13; Nays 30**

**AYES**

Alexander	Bryant	Courson
Cromer	Davis	Fair
Grooms	Hayes	<i>Martin, L.</i>
<i>Martin, S.</i>	Massey	Peeler
Verdin		

**Total--13**

**NAYS**

Anderson	Bright	Campbell
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[SJ]

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Cleary	Coleman	Elliott
Ford	Hutto	Jackson
Knotts	Land	Leatherman
Leventis	Lourie	Malloy
Matthews	McConnell	McGill
Mulvaney	Nicholson	Pinckney
Rankin	Reese	Rose
Ryberg	Scott	Setzler
Sheheen	Shoopman	Williams

**Total--30**

Having failed to receive the necessary vote, the motion under Rule 15A failed.

Senator HUTTO spoke on the Resolution.

Senator L. MARTIN asked unanimous consent to make a motion to recommit the Resolution to the General Committee.

There was no objection and the Resolution was recommitted.

**ADJOURNMENT**

At 4:48 P.M., on motion of Senator L. MARTIN, the Senate adjourned to meet tomorrow at 11:00 A.M.

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